

The Honorable Barbara J. Rothstein

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ALEXANDER ROY SINCLAIR,

Plaintiff,

V.

CLARK COUNTY, et al.,

Defendants.

Civil Action No. 21-cv-5633-BJR

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff Alexander Roy Sinclair brought this § 1983 action against a host of individuals associated with the Clark County jail and prosecutor’s office, alleging that Defendants violated his constitutional rights in their conduct during his criminal trial and their treatment of Plaintiff during his confinement. Magistrate Judge David W. Christel issued a Report and Recommendation (“R&R”) recommending *sua sponte* dismissal of all of Plaintiff’s claims. Having reviewed the R&R, Plaintiff’s opposition thereto, and the relevant legal authority, the Court will adopt the R&R and dismiss Plaintiff’s complaint. The reasoning for the Court’s decision follows.

Plaintiff filed his initial complaint on August 30, 2021. Dkt. 1. On September 23, 2021, Plaintiff filed a motion to amend and attached a proposed amended complaint. Dkt. 7. Magistrate

Judge Christel granted the motion but screened the amended complaint pursuant to 28 U.S.C. § 1915A and noted serious deficiencies. Dkt. 8. Magistrate Judge Christel ordered Plaintiff to file a second amended complaint correcting these deficiencies, and Plaintiff filed an amended complaint on November 29, 2021. Dkt. 12. Magistrate Judge Christel screened that complaint as well, found largely the same deficiencies, and ordered Plaintiff to file another amended complaint. Dkt. 13. Plaintiff filed a third amended complaint on January 3, 2022. Magistrate Judge Christel found the same deficiencies in that complaint and gave Plaintiff a final opportunity to correct them in an amended complaint due March 4, 2022. Dkt. 16. Magistrate Judge Christel warned Plaintiff that he would recommend dismissal of Plaintiff's complaint if the identified deficiencies were not corrected. *Id.*

Plaintiff did not file an amended complaint as directed. On March 9, 2022, Plaintiff filed a motion to appoint counsel. Dkt. 17. The motion did not reference the amended complaint he was supposed to file on March 4 and did not argue that he required counsel comply with the Court's order. *Id.* Magistrate Judge Christel denied the motion to appoint counsel. Dkt. 18.

On March 31, 2022, Magistrate Judge Christel issued an R&R recommending that Plaintiff's complaint be dismissed for failing to state a claim and for failing to comply with the Court's orders. Dkt. 19. Plaintiff filed objections on April 14, 2022. Dkt. 20.

The objections are largely inscrutable and do not appear to respond to any of the issues raised in the R&R. *Id.* Although Plaintiff claims the delivery of some of his mail was delayed by prison staff, this appears to be an isolated incident and does not come close to explaining the many deficiencies in Plaintiff's objections and other filings. Most notably, Plaintiff's objections do not explain why Plaintiff failed to file a fourth amended complaint when ordered to do so, nor does

1 Plaintiff request more time to file one in the future.

2 Reviewing the substance of the operative complaint, the Court agrees with Magistrate
3 Judge Christel that Plaintiff's allegations fail to meet the Rule 8 standard requiring "a short and
4 plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a).
5 Plaintiff sparsely describes a series of seemingly unrelated events in rapid succession, and "[i]t is
6 difficult to discern the named defendants and the actions each defendant took or failed to take that
7 resulted in a violation of Plaintiff's constitutional rights." Dkt. 16 at 3. It is impossible for the
8 Court to find that Plaintiff has adequately stated constitutional claims when it does not understand
9 what Plaintiff's claims are. This lack of basic context has been present in each of Plaintiff's
10 complaints, even though Magistrate Judge Christel repeatedly explained to Plaintiff that his claims
11 could not proceed in their present form. *See* Dkts. 8, 13, 16. Therefore, not only has Plaintiff
12 failed to state a claim upon which relief can be granted, but Plaintiff's failure to comply with
13 Magistrate Judge Christel's order to amend his complaint is by itself grounds for dismissal.
14

15 For the foregoing reasons, the Court hereby adopts the R&R, and Plaintiff's claims are
16 dismissed without prejudice. The Clerk is directed to close this case and to send copies of this
17 order to Plaintiff, counsel for Defendants, and to the Hon. David W. Christel.
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19 DATED this 27th day of July, 2022.

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22 BARBARA J. ROTHSTEIN
23 UNITED STATES DISTRICT JUDGE
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